



AF

2151
15W

[13402/5]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. Serial No. : 09/773,148
Title : METHOD AND SYSTEM FOR ADAPTIVELY SETTING A DATA REFRESH INTERVAL
Applicant(s) : Babak REZVANI et al.
Filed : January 31, 2001
Art Unit : 2151
Examiner : Frantz B. Jean
Confirmation No. : 5113
Customer No. : 26646

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date: April 13, 2006

Signature: Chi-hui

STATEMENT OF SUBSTANCE OF INTERVIEW

SIR:

In response to the Interview Summary dated March 2, 2006 in connection with the above-captioned application, Applicants submit herewith a statement of the substance of the telephone interview conducted on February 27, 2006 between Examiner Jean and Applicants' representative, Clifford A. Ulrich (Reg. No. 42,194).

During the course of the telephone interview, no exhibit was shown and no demonstration was conducted.

During the course of the telephone interview, no specific claims were discussed.

During the course of the telephone interview, no principal proposed amendments of a substantive nature were discussed.

During the course of the telephone interview, the general thrust of the principal arguments presented to Examiner Jean were (1) that the Reply Under 37 C.F.R. § 1.116 filed on July 7, 2005 was fully responsive to the Final Office Action dated March 7, 2006 and that (2) the assertion presented in the Advisory Action of January 17, 2006 that the rejections of the claims under U.S.C. § 103(a) was based

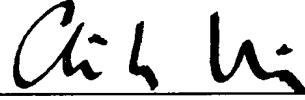
on an alternative combination the "Combar" (U.S. Patent No. 6,470,386) and "Moshal" (U.S. Patent Application Publication No. 2002/0032637) documents was not supported by the text of the rejection as plainly stated in the Final Office Action. In this regard, the Final Office Action repeatedly refers to the combination of Axis, Bates, Combar and Moshal. For example, the Final Office Action states that "[c]laims 1-12, 15-17, 18-29 and 32-36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Axis . . . in view of Bates et al. . . . and further in view of Combar et al. . . . and Moshal et al." Final Office Action at page 2 (emphasis added). The Final Office Action further contends that "[i]t would have been obvious . . . to combine Combar and Moshal's features to Axis and Bates." Final Office Action at page 3 (emphasis added). The Final Office Action also states that "[c]laims 13-14 and 30-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Axis in view of Bates et al., Combar and Moshal and Nichols et al." Final Office Action at page 5 (emphasis added). Thus, there is no support whatsoever in the present record that Moshal was relied upon only as an alternative to Combar. During the course of the telephone interview, the Examiner disagreed with the arguments set forth by Applicants' representative.

The general results or outcome of the telephone interview were that an agreement was not reached.

Respectfully submitted,

Date: April 3, 2006

By:


Clifford A. Ulrich
Reg. No. 42,194

KENYON & KENYON LLP
One Broadway
New York, New York 10004
(212) 425-7200
CUSTOMER NO. 26646